

ARTICLE I, Septic Tanks; Drain Fields [Adopted as Article 1521 of the 1960 Code]

- § 159-1. Conformity required. [Amended 4-4-1994 by Ord. No. 94-08]
- § 159-2. Facilities required.
- § 159-3. Plan; inspection fee. [Amended 1-15-1968 by Ord. No. 3-68; 4-4-1994 by Ord. No. 94-08]
- § 159-4. Construction requirements.
- § 159-5. Minimum septic tank capacities.
- § 159-6. House sewer.
- § 159-7. Sewer lines; tank distance from building.
- § 159-8. Distribution box.
- § 159-9. Inspections. [Amended 4A-1994 by Ord. No. 94-08]
- § 159-10. Specifications of approved precast septic tanks.
- § 159-11. Specifications of approved cast-on-the-job septic tanks.
- § 159-12. Location of drain field. [Amended 4-13-1981 by Ord. No. 81-5]
- § 159-13. Design of drain field.
- § 159-14. Dimensions of drain field. [Amended 4-4-1994 by Ord. No. 94-08]
- § 159-15. Violations and penalties.

ARTICLE II, Sewage Facilities Program [Adopted 10-18-1976 by Ord. No. 76-2 (Art. 912 of the 1960 Code)]

- § 159-16. Purpose.
- § 159-17. Definitions.
- § 159-18. Rules and regulations.
- § 159-19. Permit required.
- § 159-20. Application and fee.
- § 159-21. Duties of applicant.
- § 159-22. Sewage disposal system construction.
- § 159-23. Applicability. [Amended 10-18-1976 by Ord. No. 76-13]
- § 159-24. Violations and penalties.

ARTICLE III, Lower Paxton Township Sewer Authority [Adopted 5-7-1990 by Ord. No. 90-3 (Art. 913 of the 1960 Code)]

- § 159-25. Definitions.
- § 159-26. Use of public sewers required; private system discontinuance; connection notice.
- § 159-27. Sewer connection by Township Authority, billing; collection.
- § 159-28. Existing line continuation.
- § 159-29. Inspection, approval and maintenance.
- § 159-30. Failure to remedy unsatisfactory conditions.
- § 159-31. Infiltration and Inflow Inspector. [Amended 6-6-1994 by Ord. No. 94-12]
- § 159-32. Waste exclusion or pretreatment; manhole and sampling; industrial waste permit.
- § 159-33. Sewer rental rates.
- § 159-34. Sewer connection fee.
- § 159-35. Additional rules and regulations.
- § 159-36. Enforcement.

§ 159-37. Disconnection.

§ 159-38. Violations and penalties.

ARTICLE IV, Street and Storm Sewer Construction [Adopted 10-21-1974 by Ord. No. 74-34]

§ 159-39. Building permit required; fees.

ARTICLE V, Sewage Holding Tanks [Adopted 3-1-1976 by Ord. No. 76-1 (Art. 920 of the 1960 Code)]

§ 159-40. Purpose.

§ 159-41. Definitions.

§ 159-42. Rights and privileges granted.

§ 159-43. Rules and regulations.

§ 159-44. Rates and charges.

§ 159-45. Exclusiveness of rights and privileges. [Amended 9-12-1994 by Ord. No. 94-20]

§ 159-46. Duties of improved property owner. [Amended 9-12-1994 by Ord. No. 94-20]

§ 159-47. Abatement of nuisances. (Amended 9-12-1994 by Ord. No. 94-20)

§ 159-48. Violations and penalties.

ARTICLE VI, Sanitary Sewer Pretreatment Standards for the Paxton Creek, Spring Creek and Asylum Run Drainage Basin

§ 159-49. Purpose and policy.

§ 159-50. Objectives.

§ 159-51. Applicability.

§ 159-52. Administration.

§ 159-53. Definitions.

§ 159-54. Compliance required.

§ 159-55. Power to prohibit connections and certain discharged.

§ 159-56. Customer's pretreatment and sampling facilities.

§ 159-57. Wastewater discharge permits.

§ 159-58. Specific discharge limitations.

§ 159-59. Federal categorical pretreatment standards.

§ 159-60. State standards.

§ 159-61. Upset, slug or accidental discharge; notice requirements.

§ 159-62. Compliance reports.

§ 159-63. Prior notice of discharge or hazardous waste.

§ 159-64. Limitations on point of discharge.

§ 159-65. Charges and fees.

§ 159-66. Applicability of provisions.

§ 159-67. Present and future rules and regulations.

§ 159-68. Failure to comply.

§ 159-69. Confidentiality of proprietary information.

§ 159-70. Compliance monitoring and inspection performed by the township or authority.

§ 159-71. Enforcement and penalty.

§ 159-72. Termination or suspension of service or permit.

§ 159-73. Cessation of harmful activity.

- § 159-74. Suspension or revocation of permit.
 - § 159-75. Reinstatement of permit and restoration of service.
 - § 159-76. Notice of violation,
 - § 159-77. Right to hearing.
 - § 159-78. Injunctive relief.
 - § 159-79. Civil liability.
 - § 159-80. Remedy by Authority.
 - § 159-81. Public notification.
 - § 159-82. Public nuisance.
 - § 159-83. Service of notice.
 - § 159-84. Issuing authorities.
 - § 159-85. Violations and penalties.
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§ 159-1. Conformity required. [Amended 4-4-1994 by Ord. No. 94-08]

Septic tank installations will be approved in all areas not serviced by a public sewer, but subject to inspection by the Health Officer, and must conform to specifications set forth in this article.

§ 159-2. Facilities required.

Every property, residential or commercial, having sanitary facilities must have its own septic system unless served by municipal sewers.

§ 159-3. Plan; inspection fee. [Amended 1-15-1968 by Ord. No. 3-68; 4-4-1994 by Ord. No. 94-08]

A plan in triplicate of all new private sewage disposal systems or replacement of faulty private sewage disposal systems must be filed with the Health Officer for approval before breaking ground. At this time an inspection fee as set forth from time to time by resolution of the Board of Supervisors must be paid. Plan forms will be furnished by the township and upon inspection will be certified by the Health Officer.

§ 159-4. Construction requirements.

Septic tanks shall be made of reinforced concrete with a reinforced concrete lid having suitable inspection and cleanout ports. The tank must have approved baffles.

§ 159-5. Minimum septic tank capacities.

- A. Table I.

Table I

Minimum Capacities for Septic Tanks	
Number of Bedrooms	Minimum Liquid Capacity of Tank in Gallons¹
3 or fewer	500
4	750
5	900

NOTES:

1 Increase minimum liquid capacity by 50% when household garbage grinder discharges into system.

- **B.** Houses with six or more bedrooms and industrial and commercial establishments must have special Board of Sanitation approval.

§ 159-6. House sewer.

House sewer from building to septic tank must be constructed of four-inch medium weight cast iron soil pipe with leaded and caulked joints, be installed with an even grade of not less than 1/4 inch per foot and be provided with an accessible heavy brass screw cap ferrule, caulked in. Distribution line from septic tank to distribution box to be constructed of four-inch medium weight cast iron soil pipe with cemented joints at septic tank and distribution box.

§ 159-7. Sewer lines; tank distance from building.

Septic systems within the meaning of this article shall include the sewer line from the house or building to the septic tank and such lines must be left uncovered until the inspection required hereunder is completed. Septic tanks may not be placed nearer than 10 feet to the foundation of any building or structure.

§ 159-8. Distribution box.

All septic tanks must be equipped with a concrete distribution box having one inlet and an outlet for each line in the drain field.

§ 159-9. Inspections. [Amended 4-4-1994 by Ord. No. 94-08]

All septic tanks and installations must be inspected prior to being covered over. Such inspections shall be made by the Township Health Officer and at least 24 hours notice, excluding Saturday, Sunday and holidays, must be given to the Health Officer for inspection of all septic tanks and septic systems installations. The contractor or installer of the septic system must be represented in person, by his agent or his attorney at the time of the inspection and shall assist in the inspection if the Health Officer requires such assistance. If the Health Officer does not approve the installation, a reinspection will be required, for which an

additional charge as set forth from time to time by resolution of the Board of Supervisors is hereby imposed. Should an installer request separate inspections for each line of a drain field, an additional charge as set forth from time to time by resolution of the Board of Supervisors is hereby imposed for each inspection required after the initial inspection of any project.

§ 159-10. Specifications of approved precast septic tanks.

All precast septic tanks must have a minimum wall and bottom thickness of two inches for a round tank and a minimum wall and bottom thickness of three inches for a rectangular tank. All precast septic tanks shall have a minimum lid thickness of three inches, regardless of the shape of the tank. Walls, bottom and lid of all tanks must be reinforced with welded wire mesh 10-10 gauge, with six-inch-by-six-inch openings. Cleanout ports must have minimum openings of 20 inches by 20 inches square in the case of a rectangular opening or 24 inches in diameter in the case of a round opening. Baffles must be securely fastened. Tanks must be free from cracks or flaws and must be watertight. Tank lids and cleanout port lids must be cemented on with mastic cement to keep out surface water. Sectional tanks must be cemented with mastic.

§ 159-11. Specifications of approved cast-on-the-job septic tanks.

- **A.** Plans and specifications must be submitted and approved before a permit can be issued.
- **B.** Mix.

MIX - High early strength Portland Cement

1 part cement

2 parts concrete sand

3 parts gravel or stone, sized from Pea gravel to 2 B stone

- **C.** Concrete must not have a slump of over three inches in a slump test. Wall, base and top thickness must be not less than four inches. Wall, base and top must be reinforced with welded wire mesh 10-10 gauge, six-inch-by-six-inch opening, no joints to be made at corners. Wire shall be located as near to center of wall as practical. Inlet and outlet holes in tanks must be provided for in the course of manufacture by the insertion of a suitable thimble in forms before casting. The bottom of the inlet hole must be three inches higher than the bottom of the outlet hole.
- **D.** The complete tank must be poured in one operation and puddled to make sure concrete is thoroughly packed in the forms. Cleanout ports must have a minimum opening of 20 inches by 20 inches square. Tank lids and cleanout port lids must be cemented on with mastic cement to keep out surface water.
- **E.** Forms. Wood or steel must be securely braced to prevent slipping or moving in any way that may cause a tank failure. Forms must be oiled or

greased to allow easy releasing. Forms must be kept intact at least three days.

§ 159-12. Location of drain field. [Amended 4-13-1981 by Ord. No. 81-5]

The township shall prohibit installation of sewage disposal facilities requiring solid absorption systems where such systems shall not function due to high ground water, flooding or unsuitable soil characteristics or are proposed for location in designated Floodplain Conservation Districts. The township may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

§ 159-13. Design of drain field.

- **A.** The tile disposal field should be designed to provide proper distribution of the sewage effluent throughout the entire field. Sufficient laterals must be installed to provide the necessary absorption area and to prevent overloading any single line. Each field lateral line should be connected separately to the distribution box, should never be subdivided and must be of equal length in order to maintain a well-balanced system.
- **B.** The tile line must be laid one to a trench with one-fourth-inch open joints and surrounded by clean gravel, crushed stone or slag, ranging in size from 1/2 inch to 2 1/2 inches. Tar paper strips must be placed over the joints to prevent fine materials from being carried into the lines. However, if the filter material is graded and washed, the tar paper strips are not necessary. A piece of untreated building paper, heavy wrapping paper or a layer of straw must be placed over the filter material before backfilling with earth.
- **C.** Drain field ditches must be dug level. If steps are necessary because of sloping terrain, steps must be made with crushed stone or clean gravel.

§ 159-14. Dimensions of drain field. [Amended 4-4-1994 by Ord. No. 94-08]

Table II below should be used as a guide in the general design of a tile disposal field.

TABLE II
Drain Fields

Minimum diameter of tile	4 inches
Minimum number of lines per field	3 inches
Maximum length of each line	75 feet
Minimum trench width	18 inches

Maximum trench width	36 inches
Preferred depth of lines	18 inches
Maximum depth of lines	24 inches
Maximum grade of lines	4 inches per 75 feet
Minimum space between trenches	6 feet
Minimum filter material beneath tile	8 inches
Minimum filter material over tile	3 inches

Minimum lengths of drain fields

500 gallon septic tank	200 linear feet
750 gallon septic tank	270 linear feet
900 gallon septic tank	380 linear feet
1,000 gallon septic tank	To be determined by Health Officer

§ 159-15. Violations and penalties.

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

§ 159-16. Purpose.

The purpose of this article is to establish procedures for the administration of the sewage facilities program, and it is hereby declared that this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the township.

§ 159-17. Definitions.

Unless specifically and clearly indicated otherwise, the meanings of all terms used in this article shall be the same as those terms defined by the applicable rules and regulations of the Department of Environmental Protection, Chapters 71 and 73 of Title 25 of the Pennsylvania Code, as amended.

§ 159-18. Rules and regulations.

The Township Manager, in conjunction with the certified Sewage Enforcement Officer of the township, is hereby authorized and empowered to adopt such rules and regulations concerning administration of the sewage facilities program which he may deem necessary from time to time to effect the purposes herein. All such rules and regulations shall be in conformity with the provisions herein, all other ordinances of the township and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§ 159-19. Permit required.

No person, partnership or corporation shall construct, install or repair any individual sewage system or community sewage system before obtaining a permit to do so from the Sewage Enforcement Officer.

§ 159-20. Application and fee.

Any applicant for a permit under this article shall first complete an application for an individual sewage disposal system and submit such application to the certified Sewage Enforcement Officer along with an application fee as set forth from time to time by resolution of the Board of Supervisors.

§ 159-21. Duties of applicant.

The following responsibilities shall be those of the applicant:

- **A.** The applicant shall have a test pit and test holes prepared at the site on the day when the Sewage Enforcement Officer arrives to observe the soils test.
- **B.** The applicant shall have a geologist or soils scientist approved by the Department of Environmental Protection furnish to the township a written report regarding the soils test on forms provided by the township.
- **C.** The applicant shall have percolation tests performed by a registered professional engineer, geologist or soils scientist approved by the Department of Environmental Protection who shall furnish a written report regarding the percolation tests to the township on forms provided by the township.
- **D.** All notices to the Sewage Enforcement Officer required by this article or rules and regulations promulgated in accordance with this article shall be

delivered to the township municipal building in writing on forms provided by the township.

§ 159-22. Sewage disposal system construction.

Sewage disposal systems shall be constructed in accordance with the following provisions:

- **A.** House sewers shall be constructed of four-inch service weight cast iron with rubber gasket or leaded joints, or solid PVC plastic pipe schedule 40 with solvent joints.
- **B.** All anaerobic septic tanks shall be constructed of concrete. Aerobic tanks will be required to meet all National Sanitation Foundation (NSF) specifications according to Chapter 73, Section 73.41, of the Department of Environmental Protection regulations. No metal tanks shall be permitted.
- **C.** Sewerage lines between tank and distribution box shall be constructed of four-inch service weight cast iron or solid PVC plastic pipe schedule 40.
- **D.** All systems shall use a distribution box.
- **E.** Clay tile or four-inch PVC sewer and drain pipe conforming to ASTM D-2729-.075. Walls shall be permitted in subsurface absorption areas. Stones used shall be 2-B limestone, not river gravel.
- **F.** Sand used in any system shall meet state specifications and shall be compacted mechanically and/or by water. No wheeled equipment shall be permitted to be used for compaction. [Amended 10-18-1976 by Ord. No. 76-13]

§ 159-23. Applicability. [Amended 10-18-1976 by Ord. No. 76-13]

The provisions and definitions contained in this article shall apply only to on-lot sewage disposal systems and shall not be construed to amend or repeal any provisions of Chapter 142, Plumbing Standards.

§ 159-24. Violations and penalties.

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

§ 159-25. Definitions.

As used in this article, certain words are defined as follows:

AUTHORITY -- Lower Paxton Township Authority, a Pennsylvania Municipal Authority organized and existing under the Municipality Authorities Act of 1945, as amended.

BUILDING SEWER -- The extension from the sewage drainage system of any structure to the lateral of a sewer.

IMPROVED PROPERTY -- Any property located within the township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL WASTES -- Any and all wastes discharged from an industrial establishment other than sanitary sewage.

LATERAL -- That part of the sewer system extending from the main sewer as constructed by the Authority.

NONCONTAMINATED WASTEWATERS -- Any waters which may be disposed of through a storm sewer system or other such drainage system upon approval by the Pennsylvania Department of Health.

NONRESIDENTIAL PROPERTY -- All improved property other than residential property constructed or intended for occupancy or use by human beings or animals.

OWNER -- Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON -- Any individual, partnership, company, association, society, corporation or other group or entity.

RESIDENTIAL PROPERTY -- Any improved property occupied as living quarters, intended to be occupied as living quarters or constructed for the purpose of occupancy as living quarters.

SANITARY SEWAGE -- Normal water-carried household and toilet wastes from any improved property.

SEWAGE -- Any waste, sanitary sewage or material discharged from any premises into the sewage system, not including industrial waste.

SEWER -- Any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM -- The sanitary sewage system, including mains, pumping stations, lift stations and any and all other appurtenances thereto.

TOWNSHIP -- Lower Paxton Township, Dauphin County, Pennsylvania, a township of the second class, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

§ 159-26. Use of public sewers required; private system discontinuance; connection notice.

- **A.** The owner of any improved property accessible to and whose principal building is within 150 feet of the sewer system shall connect such improved property therewith, in such manner as the township and the Authority may require, within 60 days after notice to such owner from the Township Authority to make such connection, for the purposes of discharge of all sanitary sewage and industrial wastes from such improved property, subject, however, to such limitations and restrictions as established herein or otherwise shall be established by the township or the Authority from time to time.
- **B.** All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer as required under Subsection A hereof, shall be conducted into a sewer, subject, however, to such limitations and restrictions as established herein or otherwise shall be established by the Authority from time to time. No surface water, stormwater or groundwater will be allowed to be discharged into the sewer system. [Amended 6-6-1994 by Ord. No. 94-12]
- **C.** No person shall place or deposit or permit to be placed or deposited upon public or private property with the township any sanitary sewage or industrial wastes in violation of Subsection A hereof. No person shall discharge or permit to be discharged to any natural outlet within the township any sanitary sewage or industrial wastes in violation of Subsection A hereof, except where a suitable treatment has been provided which is satisfactory to the Township Authority.
- **D.** No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which is required under Subsection A hereof to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the township, shall be cleaned and filled under the direction and supervision of the township. Any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the township, cleansed and filled shall constitute a nuisance, and such nuisance may be abated as provided by law at the expense of the owner of such improved property.
- **E.** No privy vaults, cesspool, sinkhole, septic tank or similar receptacle shall, at any time, be connected with a sewer.

- **F.** The notice by the Township Authority to make a connection to a sewer, referred to in Subsection A hereof, shall consist of a written or printed document requiring such connection in accordance with the provisions of this article and specifying that such connection shall be made within 60 days from the date such notice is given. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as, at the time, may be provided by law.
- **G.** If the owner fails to make the required connection within said sixty-day-period, such failure shall be a violation of this article. The violator shall be subject to payment for connections to the sewer system by the Township Authority under § 159-27 or upon conviction liable to penalty under § 159-38.

§ 159-27. Sewer connection by Township Authority, billing; collection.

Upon the failure of any property owner to make a required sewer connection following the procedure set forth in this article, the Township Authority may enter upon the property and construct the sewer connection. In such case the Township Authority shall forthwith, upon completion of the work, send an itemized bill of the cost of construction of the sewer connection to the owner of the property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal of the owner of such property to pay said bill the Township Authority may file municipal liens or bring a civil action for such construction, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens and civil actions.

§ 159-28. Existing line continuation.

Where an improved property, at the time connection to a sewer is required, is served by its own sewage disposal system or device, the existing sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such sewer line, as a building sewer.

§ 159-29. Inspection, approval and maintenance.

- **A.** No building sewer shall be covered until it has been inspected and approved by the Township Authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

- **B.** Every building sewer or any improved property, including the lateral, shall be maintained in a sanitary and safe operating condition and kept in good repair by the owner of such improved property.

§ 159-30. Failure to remedy unsatisfactory conditions.

If any person fails or refuses, upon receipt of a notice in writing from the Township Authority, to remedy any unsatisfactory condition with respect to a building sewer within 60 days of receipt of such notice, the Township Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition has been remedied to the satisfaction of the Township Authority.

§ 159-31. Infiltration and Inflow Inspector. [Amended 6-6-1994 by Ord. No. 94-12]

- **A.** The Board of Supervisors hereby appoints the Manager of the Lower Paxton Township Authority as the Infiltration and Inflow Inspector (the "Infiltration and Inflow Inspector"). His duties shall be to conduct inspections for inflow and infiltration from prohibited sources into the Lower Paxton Township sanitary sewer system. "Prohibited sources" shall include the following:
 1. Inflow into the sanitary sewer system from sump pumps, floor drains, rain conductors and other sources of surface water, stormwater or groundwater.
 2. Infiltration into the sanitary sewer system of surface water, stormwater or groundwater caused by broken, cracked or otherwise damaged pipes, pipe fittings or connections to the sanitary sewer system.
- **B.** The salary and expenses of the Infiltration and Inflow Inspector shall be paid entirely by the Lower Paxton Township Authority, and the Infiltration and Inflow Inspector may designate such assistants as may be necessary for the fulfillment of his duties.

§ 159-32. Waste exclusion or pretreatment; manhole and sampling; industrial waste permit.

All owners of property connected to and from which sewage and/or suitable industrial wastes, collectively "wastewaters," can be discharged to the sewer system shall be subject to the following:

- **A.** The Township Authority reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system or to compel pretreatment of wastewaters by any industry in order to prevent discharges deemed harmful or to have a deleterious

effect upon any portion of the sewer system. No wastewaters shall be discharged to the sewer system:

1. Having a temperature higher than 100° F.
 2. Containing more than 100 parts per million, by weight, of fats, oils and grease.
 3. Containing any gasoline, benzine, naphtha, fuel oil or other inflammable or explosive liquids, solids or gases.
 4. Containing any garbage that has not been ground by household-type or other suitable garbage grinders.
 5. Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substances capable of causing obstructions or other interferences with proper operation of the sewer system.
 6. Having a pH lower than 6.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewer system.
 7. Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any sewage treatment process or to constitute hazards to humans or animals or to create any hazard in waters which receive treated effluent from either the City of Harrisburg or Swatara Township Authority sewage treatment plant. Toxic wastes shall include, but shall not be limited to, wastes containing cyanide, chromium, copper and nickel ions.
 8. Containing noxious or malodorous gases or substances capable of creating a public nuisance.
 9. Containing solids of such character and quantity that special and unusual attention is required for their handling.
 10. Containing substances having characteristics which violate provisions of the agreements for sewage transportation and treatment services with the City of Harrisburg and Swatara Township Authority. Industries shall install suitable pretreatment facilities to meet the requirements stipulated therein.
- **B.** Suitable pretreatment facilities shall be installed to meet these requirements. The Township Authority reserves the right to require nonresidential establishments having large variations in rates of wastewater discharge to install suitable regulating devices for equalizing wastewater flows to the sewer system.
 - **C.** When directed by the Township Authority, owners of nonresidential establishments shall install, pay for and maintain a manhole and such other devices as may be approved by the Township Authority to facilitate observation, measurement and sampling of wastewaters discharged to the sewer system. The Township Authority or its duly authorized representatives shall, at all reasonable times, after advance notice of at least 24 hours, be permitted to enter upon any and all properties for the purpose of inspecting, observing, measuring and sampling wastewaters discharged to the sewer system. The owner of any nonresidential

- establishment that desires to connect to the sewer system or any nonresidential establishment which is connected to the sewer system and plans to change operations so as to materially alter the characteristics and volumes of wastewaters discharged to the sewer system shall notify the Township Authority, in writing, at least 10 days before making such connection or changing its operations.
- **D.** Owners of industrial establishments desiring to discharge industrial wastes to the sewer system shall obtain a permit from the Authority to do so upon notification by the Authority. Applications for a permit to discharge industrial wastes shall be accompanied by all information requested by the Authority for the determination of industrial waste volumes, characteristics and constituents. The cost for obtaining such information shall be borne by the industrial establishment.

§ 159-33. Sewer rental rates.

The Board of Supervisors directs that all sewer rental rates shall be established by the Township Authority by resolution.

§ 159-34. Sewer connection fee.

The Board of Supervisors directs that all sewer connection fees shall be established by the Township Authority by resolution.

§ 159-35. Additional rules and regulations.

The Township Authority is hereby authorized and empowered to promulgate additional rules and regulations as it deems necessary under this article, which additional rules and regulations, to the extent appropriate, shall be construed as part of this article.

§ 159-36. Enforcement.

The Township Authority is authorized and directed to enforce the provisions of this article and its rules and regulations promulgated hereunder and in conjunction herewith.

§ 159-37. Disconnection.

In addition to any monetary penalties for violation of this article, the Township Authority may require all owners or persons in charge of properties serviced by the Lower Paxton Township Sanitary Sewer system who violate any provisions of this article, after giving notice of such violation either personally or by means of the United States Mail and, if no action to correct said violation is taken within 30 days of the date of such notice, to remove or close the sewer connection, if otherwise permitted by law. Reconnection will not be made until after correction

of the violation has been accomplished and inspected by the Township Authority. The expense of such shutoff or removal or closing and the expense of reconnection shall be a debt due to the Lower Paxton Township Authority, and a lien upon the property affected may be filed and collected as provided by law. With respect to the enforcement of this article or any related provision of the Township of Lower Paxton Code concerning the sanitary sewerage system, the Township Authority shall be empowered to secure search warrants as otherwise provided by law.

§ 159-38. Violations and penalties.

Any person, firm or corporation who or which violates any provision of this article shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and cost of prosecution and in default of payment of such fine and costs shall be imprisoned for not more than 30 days. Each day's violation of any provision of this article shall constitute a separate violation.

§ 159-39. Building permit required; fees.

- **A.** No person, firm, partnership or corporation shall construct any new street or storm sewer in the township unless and until a building permit for new street or storm sewer construction has been obtained. No permit shall be issued until the final plans for the subdivision or land development within which such construction is to take place have been submitted to the township and the required plan and profiles for the same have been reviewed and approved by the Township Engineer. The approval granted for such construction shall be valid for a period of three years, after which time the applicant shall be required to resubmit plan and profiles for any portions of street or storm sewer not constructed within the three-year period in accordance with ordinances in effect at the time of resubmission.
- **B.** The fee for such building permit shall be in accordance with the following schedule:
 1. For the initial 500 linear feet of roadway or 1,000 linear feet of storm sewer or fraction thereof: as set forth from time to time by resolution of the Board of Supervisors.
 2. For each additional 100 linear feet of roadway or 200 linear feet of storm sewer or fraction thereof: as set forth from time to time by resolution of the Board of Supervisors.

§ 159-40. Purpose.

The purpose of this article is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage whether from residential or commercial uses, and it is hereby declared that this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the township.

§ 159-41. Definitions.

Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this article shall be as follows:

AUTHORITY -- The Sewer Authority of Lower Paxton Township, Dauphin County, Pennsylvania.

HOLDING TANK -- A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:

- **A. *CHEMICAL TOILET*** -- A toilet using chemicals that discharge to a holding tank.
- **B. *RETENTION TANK*** -- A holding tank where sewage is conveyed to it by a water-carrying system.
- **C. *VAULT PIT PRIVY*** -- A holding tank designed to receive sewage where water under pressure is not available.

IMPROVED PROPERTY -- Any property within the township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

MUNICIPALITY -- Lower Paxton Township, Dauphin County, Pennsylvania.

OWNER -- Any person vested with ownership, legal or equitable, sole or partial, of any property located in the township.

PERSON -- Any individual, partnership, company, association, corporation or other group or entity.

SEWAGE -- Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

§ 159-42. Rights and privileges granted.

The Authority is hereby authorized and empowered to undertake within the township the control and methods of holding tank sewage disposal and the collection and transportation thereof.

§ 159-43. Rules and regulations.

A. The Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purpose herein.

B. All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the township and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§ 159-44. Rates and charges.

The Authority shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

§ 159-45. Exclusiveness of rights and privileges. [Amended 9-12-1994 by Ord. No. 94-20]

A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Authority, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

B. The Authority shall receive, review and retain pumping receipts from permitted holding tanks.

C. The Authority shall complete and retain annual inspection reports for each permitted tank.

§ 159-46. Duties of improved property owner. [Amended 9-12-1994 by Ord. No. 94-20]

The owner of an improved property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this article or any other ordinance of the municipality, the provisions of any applicable law and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Authority or its agent to inspect holding tanks on an annual basis.

C. Permit only the Authority or its agent to collect, transport and dispose of the contents therein.

§ 159-47. Abatement of nuisances. [Amended 9-12-1994 by Ord. No. 94-20]

In addition to any other remedies provided in this article, any violation of § 159-46 above shall constitute a nuisance and shall be abated by the Authority or the municipality by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

§ 159-48. Violations and penalties.

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

§ 159-49. Purpose and policy.

This article sets forth uniform requirements for direct contributors to the Paxton Creek, Spring Creek and Asylum Run Drainage Basins of the sewer system within or from the Township of Lower Paxton, Dauphin County, Pennsylvania, and to any municipality or person outside the township who is by contract or agreement or otherwise a user of the sewer system, which has its discharge treated by the treatment plant of the City of Harrisburg (city) and enables the city and the Lower Paxton Township Authority (Authority) to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

§ 159-50. Objectives.

The objectives of this article are:

- **A.** To prevent the introduction of pollutants into the sewer system which will interfere with the operation of the system or contaminate the resulting sludge.
- **B.** To prevent the introduction of pollutants into the sewer system which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system.
- **C.** To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

§ 159-51. Applicability.

This article shall apply to direct contributors to the Paxton Creek, Spring Creek and Asylum Run drainage basins of the sewer system within or from the township and to any municipality or person outside the township who is, by contract or agreement or otherwise, a user of the sewer system.

§ 159-52. Administration.

Except as otherwise provided herein, the Authority and the Director of the Sewer Department of the township shall administer, implement and enforce the provisions of this article with respect to the Paxton Creek, Spring Creek and Asylum Run Drainage Basins. The city may assist in the administration, implementation and enforcement of this article as may be requested by the Authority.

§ 159-53. Definitions.

These definitions shall apply throughout this article unless the context clearly indicates otherwise; other definitions may be found in the glossary.

ACCIDENTAL DISCHARGE -- A discharge not caused by the fault of any person, and one that could not have been prevented by any means suggested by common prudence, which would interfere with the operation of the Advanced Wastewater Treatment Facility (AWTF).

ADVANCED WASTEWATER TREATMENT FACILITY OF THE CITY OF HARRISBURG (AWTF) -- The publicly owned wastewater collection conveyance and treatment system (POTW), as defined by Section 212 of the Federal Water Pollution Control Act, also known as the "Clean Water Act of 1977, as amended."

APPLICANT -- All persons holding title to facilities or improvements for which a permit for the connection to or discharge into the sewer system is required.

AUTHORITY CONVEYANCE SYSTEM -- The interceptor sewers, pumping stations and force mains and all related structures which are a part of the wastewater facilities transporting and conveying wastewater from facilities of the Authority to the AWTF which is part of the wastewater facilities.

AUTHORIZED REPRESENTATIVE OF A SIGNIFICANT INDUSTRIAL USER --
Either:

- **A.** A principal executive officer of at least the level of Vice President, if the user is a corporation; or
- **B.** A general partner or proprietor if the user is a partnership or proprietorship, respectively; or
- **C.** A duly authorized representative of the individual designated in Subsection A or B above, if such representative is responsible for the

overall operation of the facility or facilities from which the discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C. expressed in terms of weight and concentration (milligrams per liter).

BOD -- Biochemical oxygen demand.

CFR -- The Code of Federal Regulations.

CLEAN STREAMS LAW -- The Act of June 22, 1937, P.L. 1987, as amended and reenacted by Act of October 10, 1980, P.L. 894, 35 P.S. §§ 691.1 to 691.702.

CLEAN WATER ACT (aka FEDERAL WATER POLLUTION CONTROL ACT) -- A federal statute enacted by Public Law 92-500, October 18, 1972; 33 U.S.C. § 1251 et seq.; as amended by Public Law 95-217, December 28, 1977; Public Law 97-117, December 29, 1981; Public Law 97-440, January 8, 1983; and Public Law, 100-04, February 4, 1987.

COLLECTION AND CONVEYANCE SYSTEM -- The sanitary sewer collection system of the Authority in which wastewater is collected, conveyed and discharged, or will be discharged, into the Advanced Wastewater Treatment Facility (AWTF).

COLLECTION SYSTEM -- The sanitary sewer collection system of the Authority in which wastewater is collected and discharged, or will be discharged, into the AWTF.

COMMERCIAL ESTABLISHMENT -- Any premises or improvements not a dwelling unit or industrial establishment.

COMPLIANCE MONITORING -- The act of checking specific conditions or requirements of the industrial user permit.

CONVENTIONAL POLLUTANTS -- Pollutants which are usually found in domestic, commercial or industrial wastes, such as phosphorus, total suspended solids, biochemical oxygen demand, fecal coliform, adverse pH levels and oil and grease.

COOLING WATER -- The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DEP -- See PADEP.

DEPARTMENT -- The Sewer Department of Lower Paxton Township.

DIRECTOR -- The Director of the Sewer Department of Lower Paxton Township or his designee.

DISCHARGER -- Any person who contributes, causes or permits the contribution of treated or untreated wastewater into the sewer system.

DOMESTIC WASTEWATER -- Ordinary water-carried household wastes from sanitary conveniences from residential and nonresidential establishments.

ENVIRONMENTAL PROTECTION AGENCY (EPA) -- An agency or administrative department of the United States or any other agency or administrative department of the United States hereafter exercising all or any portion, as appropriate, of the powers or jurisdiction presently being exercised thereby.

EPA -- The United States Environmental Protection Agency.

EQUIVALENT DWELLING UNIT (EDU) -- A measure of the volume of flow or expected flow of sanitary sewage or industrial waste from any property that is equal to the volume of flow discharged from one dwelling unit as determined by the Authority in accordance with sound engineering practice.

FEDERAL ACT -- The Federal Water Pollution Control Act, also known as the "Clean Water Act of 1977, as amended, 33 U.S.C. § 1251, et seq."

FEDERAL CATEGORICAL PRETREATMENT STANDARDS -- National Categorical Pretreatment Standards.

GRAB SAMPLE -- A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE -- Any waste from holding tanks of vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE -- The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b), (c) or (d) of the Federal Act [33 U.S.C. § 1317(b), (c) or (d)] into the AWTF. For the purposes of this definition, holding tank wastes shall be considered indirect discharge.

INDUSTRIAL ESTABLISHMENT -- Any nonresidential establishment discharging sewage and wastes other than normal waste-carried domestic sewage and wastes and cooling water, directly or indirectly to the AWTF.

INDUSTRIAL USER -- A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Federal Act. (33 U.S.C. § 1342.)

INDUSTRIAL WASTES -- Any solid, liquid or gaseous substance, water-borne wastes or form of every rejected or escaping from any industrial, manufacturing, trade or business proceeds or from the development, recovering or processing of natural resources, as distinct from sanitary sewage.

INTERFERENCE -- The inhibition or disruption of the AWTF treatment processes or operation which contributes to a violation of any requirement of the Harrisburg Authority's NPDES permit. The term includes pollution which prevents the use or disposal of sewage sludge by the AWTF in accordance with Section 405 of the Federal Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or more stringent state criteria applicable to the method of disposal or use employed by the AWTF.

LEASE -- The agreement of lease between the city as lessee and the Harrisburg Authority as lessor, whereunder the wastewater facilities are leased to the city for operation and use, and any amendments and supplements to such lease.

LOCAL LIMITS -- A locally established limit deemed to be a pretreatment standard for the purpose of Section 307(d) of the Clean Water Act. The limit is specific to the Advanced Wastewater Treatment Facility (AWTF) and is based on the potential for pass-through, interference, sludge contamination or capacity to cause damage or hazards to structures, equipment or personnel of the Advanced Wastewater Treatment Facility (AWTF) by the discharge of any pollutant by an industrial user.

MILLIGRAM PER LITER (mg/l) -- Concentration based on mass of pollutant per unit volume.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS -- Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with Section 307(b) and (c) of the Federal Act, 33 U.S.C. § 1317(6)(b) and (c), which applies to a specific category of industrial users.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

PERMIT -- A permit issued pursuant to Section 402 of the Federal Act, 33 U.S.C. § 1342.

NATIONAL PROHIBITED DISCHARGE STANDARD -- Any regulation developed under authority of Section 307(b) of the Federal Act, 33 U.S.C. § 1317(b), and 40 C.F.R. Section 403.5.

NEW SOURCE -- Any new building, structure, facility or installation from which there is or may be a discharge of pollutants which commences after the date of publication of a proposed pretreatment standard under Section 307(c) of the Clean Water Act.

NONRESIDENTIAL ESTABLISHMENT -- Any building, structure, room, group of rooms, establishment or facility other than a residence which discharges sewage and wastes, including industrial wastes, directly or indirectly to the AWTF.

OCCUPIED BUILDING -- Any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage, industrial waste, or both, is or may be discharged.

PADEP -- The Department of Environmental Protection, an agency or administrative department of the commonwealth or any other agency or administrative department of the commonwealth hereafter exercising all or any portion, as appropriate, of the powers or jurisdiction presently being exercised thereby.

PARTS PER MILLION (ppm) -- Indicates a mass ratio meaning milligrams per million milligrams, and generally will be considered equivalent to milligrams per liter (mg/l).

PASS-THROUGH -- A discharge which exits the AWTF into a waterway of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the Harrisburg Authority's NPDES permit.

pH -- The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT -- Any dredged solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand and cellar dirt and industrial, municipal and agricultural waste discharged into water.

POLLUTION -- The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

PRETREATMENT or TREATMENT -- The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the AWTF. The reduction or alteration can be obtained by physical, chemical or biological process, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d) (dilution).

PRETREATMENT REQUIREMENT -- Any substantive or procedural requirement related to pretreatment other than a pretreatment standard imposed on an industrial user.

PRETREATMENT STANDARD -- Any National Categorical Pretreatment Standard, local limit or discharge prohibition regulation identified in this article containing a list of pollutant discharge limitations.

PROCESS WASTEWATER -- Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product. Sanitary, non-contact cooling and boiler blowdown wastewaters are excluded unless they become process makeup water.

PROHIBITED DISCHARGE STANDARD -- National Prohibited Discharge Standard.

PROPERTY ACCESSIBLE TO THE COLLECTION SYSTEM -- Real estate which adjoins, abuts or is adjacent to or is within 200 feet of the collection system.

PUBLICLY OWNED TREATMENT WORKS (POTW) -- A treatment works as defined by Section 212 of the Clean Water Act, which is owned by a state or municipality (as defined by Section 502(4) of the Clean Water Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a treatment facility.

RESIDENTIAL PROPERTY -- Any room, group of rooms, house, housetrailer or other enclosure occupied or intended for occupancy as separate living quarters by a single family or by persons living alone, which property shall be billed and considered a separate entity.

SANITARY SEWAGE -- The normal water-carried household and toilet wastes from residences, business buildings, institutions and commercial and industrial establishments.

SELF-MONITORING -- Sampling and analysis performed by the industrial user to ensure compliance with permit provisions.

SERVICE AGREEMENT -- The second supplemental agreement dated September 15, 1976, among the City of Harrisburg, Harrisburg Sewage Authority and the suburban municipalities, and any supplements and amendments to such agreement.

SERVICE PERIOD -- For sewer rental purposes, the length of time for which sewer rentals are billed as may be determined by the Bureau of Water of the city to correspond with water service periods.

SEWER SYSTEM -- All the facilities for the collection and conveyance of sewage and suitable industrial wastes into the AWTF and the treatment plant.

SIC -- Standard Industrial Classification.

SIGNATORY -- A responsible corporate officer, general partner, proprietor or duly authorized representative of that individual.

SIGNIFICANT INDUSTRIAL USER -- All categorical industrial users or any noncategorical industrial users that:

- **A.** Have a discharge flow of 25,000 gallons or more per average workday of process wastewater; or
- **B.** Have an average process flow which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
- **C.** Have a reasonable potential, in the opinion of the Superintendent, to adversely affect the treatment plant through inhibition, pass-through of pollutants, sludge contamination or endangerment of AWTF workers or to violate any pretreatment standard or requirement.

SIGNIFICANT NONCOMPLIANCE -- One or more violations of:

- **A.** Wastewater discharge limits, including chronic violations, technical review criteria violations, any discharge which alone or in combination causes interference or pass-through or endangers the health or welfare of AWTF personnel, the public or environment or results in the AWTF exercising its emergency authority to halt or prevent such a discharge;
- **B.** Compliance schedule milestones;
- **C.** Reporting requirements;
- **D.** Accurately reporting noncompliance; or
- **E.** Any other violation or group of violations the AWTF considers to be significant.

SLUG DISCHARGE -- Any pollutant released in a discharge at a flow or concentration rate which will cause interference with the operation of the AWTF.

SPILL PREVENTION AND CONTROL PLAN -- A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

STANDARD INDUSTRIAL CLASSIFICATION -- A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget (1972).

STATE -- The Commonwealth of Pennsylvania.

STEELTON CONVEYANCE SYSTEM -- The facilities owned or leased by the Borough of Steelton which transport and convey wastewater from facilities of any of the suburban municipalities, and not through the Harrisburg conveyance system, to the wastewater treatment facilities which are part of the wastewater facilities.

SUBURBAN MUNICIPALITIES or SUBURBAN MUNICIPAL AUTHORITIES -- The Borough of Penbrook, Borough of Paxtang, Borough of Steelton, Township of Swatara, Township of Lower Paxton and the Township of Susquehanna and, as applicable, Swatara Township Authority, Lower Paxton Authority, Steelton Borough Authority and Susquehanna Township Authority, collectively or individually, as appropriate.

SUPERINTENDENT -- The person designated by the city to supervise the operation of the AWTF and who is charged with certain duties and responsibilities by this article or any other applicable legislation or one or more duly authorized representatives.

SUSPENDED SOLIDS -- The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtering.

TOXIC MATERIAL OR POLLUTANT -- Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under Section 307(a) of the Federal Act or the Federal Laws.

TREATMENT -- Pretreatment.

TREATMENT PLANT -- The plant for the treatment of sewage conveyed thereto by the collection system, and the equipment and facilities thereof; the AWTF.

UPSET -- An exceptional incident in which there is unintentional and temporary noncompliance with the pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

USER -- Any person who contributes, causes or permits the contribution of wastewater into the AWTF.

VIOLATION -- The act of not meeting specific conditions or requirements (i.e., noncompliance).

WASTEWATER -- The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any pollutants which may be present, whether treated or untreated, which are contributed into or permitted to enter the sewer system.

WASTEWATER FACILITIES -- The wastewater conveyance, treatment, disposal and related facilities owned by the Harrisburg Authority and leased to the City of Harrisburg for operation and use, including existing facilities and all future additions and improvements thereto.

WATERWORKS -- All facilities for the collection and distribution of water to persons in the city.

§ 159-54. Compliance required.

No connection or discharge shall be made to or into the sewer system except in compliance with all federal, state and local laws, ordinances, rules and regulations now in force and effect as well as such federal, state and local laws, ordinances, rules and regulations as may, from time to time, be enacted, adopted, approved or promulgated by any federal, state or local authority or may be otherwise provided by law.

§ 159-55. Power to prohibit connections and certain discharges.

- **A.** The township reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system or to compel pretreatment of wastewaters by any person in order to prevent discharges deemed harmful or deemed to have a deleterious effect upon the operation of or any portion of the sewer system.
- **B.** No wastewaters shall be discharged to the sewer system:
 1. Having heat in such quantities that the discharge causes the temperature at the AWTF to exceed 40° C. or 104° F.
 2. Containing fats, wax, grease or oils of petroleum origin, whether emulsified or not, in excess of 100 mg/l, or petroleum oil, nonbiodegradable cutting oil or petroleum products of mineral origin in amounts that will cause interference or pass-through at the AWTF.
 3. Containing any gasoline, benzene, naphtha, fuel oil or other explosive liquids, solids or gases or any other pollutants which will create a fire or explosion hazard, including but not limited to waterstreams with a closed-cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR Part 261.21.

4. Containing any garbage that has not been ground by household-type or other suitable garbage grinders.
 5. Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solids or viscous substances capable of causing obstructions or other interferences with proper operation of the sewer system.
 6. Having a pH lower than 6.0 or higher than 10.0 standard units, or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewer system.
 7. Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals or to create any hazard in waters which receive treated effluent from the sewer system treatment plant. Toxic wastes shall include but not be limited to wastes containing cyanide, chromium, cadmium, mercury, copper or nickel or any characteristic or listed hazardous waste.
 8. Containing noxious or malodorous gases or substances capable of creating a public nuisance.
 9. Containing solids of such character and quantity that special and unusual attention is required for their handling.
 10. Containing any substance which may affect the AWTF's effluent and cause violation of the NPDES permit requirements.
 11. Containing any substance which would cause the AWTF to be in noncompliance with sludge use, recycling or disposal criteria pursuant to guidelines or regulations developed under Section 405 of the Federal Act, the Clean Air Act or regulations criteria for sludge management and disposal as required by the DEP.
 12. Containing color which is not removed in the treatment processes.
 13. Containing any radioactive wastes or isotopes.
 14. Containing any pollutant, including conventional pollutants, released at a flow rate and/or pollutant concentration which would cause interference with the AWTF.
 15. Containing substances which may solidify or become viscous at temperatures between 0° C. or 32° F. and 60° C. or 140° F.
 16. Containing chemical constituents which alone or in combination result in the release of toxic gases, vapors or fumes in a quantity that may cause acute worker health and safety problems.
- **C.** When the Director determines that an industrial user is contributing any of the above substances in such amounts as to exceed stated limits or to interfere with the operation of the AWTF, he or she shall:
 1. Advise the user of the impact of such discharges on the operation of the AWTF;
 2. Develop effluent limitations for those discharges to correct the interference with the operations of the AWTF;
 3. Direct the user to comply with the effluent limitations as provided in this article; and

4. Utilize the enforcement provisions of this article.

§ 159-56. Customer's pretreatment and sampling facilities.

- **A.** Upon notification by the Authority, pretreatment facilities shall be installed within 90 days of the date of such notice, at the sole cost of the significant industrial user, to meet township requirements. In no event shall dilution be acceptable as a means of pretreatment to meet the requirements of this article. Any order to install pretreatment facilities may be appealed to the Director as provided in this article.
- **B.** The township reserves the right to require nonresidential dischargers having large variations in rates of wastewater discharge to install suitable regulating devices for equalizing wastewater flows to the sewer system.
- **C.** When directed by the Department, industrial users shall install, within 90 days of the directive, at their sole cost and expense, and thereafter maintain a manhole and such other devices as may be approved by the Department to facilitate observation, measurement and sampling of wastewaters discharged into the sewer system. The duly authorized representatives of the Department shall, at all times, be permitted to:
 1. Enter upon any and all properties of industrial users for the purpose of inspecting for compliance, observing, measuring and sampling wastewaters discharged into the sewer system;
 2. Set up and use monitoring equipment;
 3. Inspect and copy industrial waste discharge, monitoring and production records or any other records pertinent to compliance with this article; and
 4. Have access to any meters used for establishing or determining water consumption, water excluded from the sewer system and wastewater discharged into the sewer system. If an individual user has security measures in force which physically limit entry to the premises of such user, the industrial user shall, within 30 days of the effective date of this section, immediately provide the Department with whatever is necessary to allow authorized township or Authority representatives to enter the premises, without delay, for the purpose of performing their duties and responsibilities.
- **D.** The Department may require any industrial establishment to provide information needed to determine compliance with this article.

§ 159-57. Wastewater discharge permits.

- **A.** Any industrial establishment desiring to discharge or currently discharging, directly or indirectly, wastes into the sewer system or planning to change operations so as to materially alter the characteristics and/or volumes of wastewaters discharged into the sewer system shall notify the Department in writing at least 30 days before making such

connection or changing its operations and shall obtain a permit from the Department to do so. Applications for such permit shall be on the form supplied by the Director and shall be accompanied by all information requested by the Department for the determination of waste volumes, characteristics and constituents. The cost for obtaining such information shall be borne by the applicant. Any significant industrial user shall make application for a new permit within 30 days of the effective date of this section.

- **B.** This application shall include but shall not be limited to the following information in units and terms appropriate for evaluation:
 1. Name, address and location of applicant.
 2. SIC number(s) according to the Standard Industrial Classification Manual, Bureau of Budget, 1972, as amended.
 3. Volume of wastewaters to be discharged.
 4. Wastewater constituents and characteristics, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with the procedures established by the United States EPA pursuant to Section 304(g) of the Federal Act, 33 U.S.C. § 1314(g), and the regulations promulgated thereunder, 40 CFR Part 136, as amended.
 5. Time and duration of discharge.
 6. Average and maximum wastewater flow rates, including daily, monthly and seasonal variations, if any.
 7. A schematic flow representation which shall include floor plans, mechanical and plumbing plans and details of all sewers, sewer connections and appurtenances, sizes, locations and elevations.
 8. Number of employees and hours worked.
 9. Description of activities, facilities and plan processes on the premises, including all materials which are or could be discharged; each product produced, listed by type, amount and rate of production.
 10. Type and amount of raw materials processed, average and maximum per day.
 11. Each substance considered toxic, hazardous, noxious or malodorous, including a description of the hazards associated with each substance.
 12. Certification of accuracy by the applicant.
 13. Any other information required by 40 CFR 403.12(b) or any other information as may be deemed necessary by the Department to evaluate that permit application.
- **C.** The Department shall evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, the Director shall issue a permit subject to terms and conditions provided therein, as set forth in Subsection D hereof.
- **D.** Wastewater discharge permits shall be subject to all provisions of this article and all other applicable federal, state and local laws, rules,

regulations, charges and fees. The conditions of such permits shall be uniformly enforced by the township or authority in accordance with this article and applicable federal, state and local laws, rules and regulations. Permits may contain but shall not be limited to the following conditions:

1. The unit charge or schedule of special charges and fees or wastewater surcharges to be paid for the wastewater to be discharged into the sewer system pursuant to such permit.
 2. The average and maximum allowable wastewater constituent and characteristics.
 3. Equalization, neutralization or other requirements to control high pH or highly variable pH discharge.
 4. Limits on rate and time of discharge or requirements for flow regulations and equalization.
 5. Requirements for installation, maintenance and/or operation of monitoring, inspection and sampling facilities.
 6. Pretreatment requirements.
 7. Requirements for submission of technical reports or discharge reports
 8. Signatory requirements for certification of technical reports or discharge reports.
 9. Requirements for maintaining and retaining plant records relating to wastewater discharge for a minimum of three years or longer as specified by the Department and affording the Department access thereto.
 10. Compliance schedules.
 11. Specifications for monitoring programs, including self-monitoring, sampling location, frequency and method of sampling, number, types and standards for tests and reporting schedules.
 12. Requirements for notification of pretreatment standard exceedance and repeat sampling and testing.
 13. Requirements for notification of slug or accidental discharge.
 14. Requirements for a spill prevention and control plan.
 15. Other conditions as deemed appropriate by the township to ensure compliance with these regulations.
- **E.** Wastewater discharge permits shall be issued for a specified time period, not to exceed five years, subject to compliance with all of the provisions of this article and the regulations promulgated thereunder. Any applicant who does not meet the standards of this article shall not be entitled to a five-year permit. All holders of a wastewater discharge permit must also comply with any National Categorical Pretreatment Standards within 90 days of their promulgation or any revisions thereto.
 - **F.** A wastewater discharge permit is not assignable or transferable to a new user, owner or new use.

§ 159-58. Specific discharge limitations.

- **A.** No industrial user shall discharge, directly or indirectly, into the wastewater collection or conveyance system any wastewater containing in excess of the following pollutant in milligrams per liter:

Pollutant	Daily Maximum	Instantaneous Maximum	Ordinance
Arsenic (T)	2.81	5.62	43-1990
Cadmium (T)	0.75	1.50	43-1990
Chromium (T)	1.31	2.62	43-1990
Copper (T)	2.99	5.98	43-1990
Cyanide (T)	2.15	2.15	43-1990
Lead (T)	0.55	1.10	43-1990
Mercury (T)	0.04	0.08	43-1990
Nickel (T)	1.00	2.00	43-1990
Zinc (T)	2.20	4.40	20-1992

- **B.** The limits may be changed by regulation of the Director or by the EPA to whichever limitation is more stringent.

§ 159-59. Federal categorical pretreatment standards.

Upon promulgation of federal categorical pretreatment standards or any federal standard for a particular industry or subcategory, the standards referenced in 40 CFR Chapter I, Subchapter N, Parts 405-471, if more stringent than the limitations contained in this article for such discharges, shall immediately supersede the standards set forth in this article. The Superintendent shall notify all affected industrial users of the applicable reporting requirements under 40 CFR Section 403.12.

§ 159-60. State standards.

Any state requirements and limitations on discharge which have been or may be adopted which are more stringent than the federal limitations or those contained in this article shall supersede both federal and township standards. The Director shall notify all affected users of any such change.

§ 159-61. Upset, slug or accidental discharge; notice requirements.

- **A.** Each significant industrial user shall provide protection from an upset of pretreatment facilities, slug or accidental discharge of prohibited materials and any other substances requested by this article. Facilities to prevent

and plans to mitigate an upset, slug or accidental discharge shall be provided and maintained at such user's expense. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at such user's expense. No significant industrial user which commences discharge into the sewer system shall be permitted to introduce pollutants into the sewer system until a spill, prevention and control plan has been approved by the Department. Approval of such plans and procedures shall not relieve such user of the responsibility to modify such user's facility as necessary to meet the requirements of this article.

- **B.** In the event of an upset, slug or accidental discharge, it shall be the responsibility of the significant industrial user to:
 1. Make immediate notification to the AWTF of a location of discharge, date and time thereof and type of waste, including concentration and volume and corrective action taken; and
 2. Within five days following an upset, slug or accidental discharge, submit to the Superintendent a written report which shall specify:
 - **(a)** Description of the upset, slug or accidental discharge, the cause thereof and the impact on the industrial user's compliance status, including location of discharge, type of concentration and volume of waste.
 - **(b)** Duration of noncompliance, including exact date and times of noncompliance, and, if the noncompliance continues, the time by which compliance is reasonably expected to occur.
 - **(c)** All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset, slug or accidental discharge or other conditions of noncompliance.
 3. The notification required by this section shall not relieve the significant industrial user of any expense, loss, damage or other liability incurred to the AWTF, the Township Authority or any state or federal department or authority or any damage to person, property or environment; nor will this notification relieve the significant industrial user of any fines, penalties or any other liability which may be imposed by this article or any other applicable law.

§ 159-62. Compliance reports.

- **A.** Within 90 days following the date for final compliance or, if a new source, the commencement of discharge, any user subject to the treatment provisions of this article shall submit to the Director a report indicating the nature and concentration of pollutants and the average and maximum flows of the discharges which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards and requirements are being met and, if not, what additional pretreatment facilities or additional operations and maintenance

tasks are necessary to bring such user in compliance with the applicable pretreatment standards and requirements. This statement shall be signed by an authorized representative of the user and certified by a qualified individual.

- **B.** Any significant industrial user subject to the provisions of this article shall submit to the Director, at least on a semiannual basis, a report containing the information required by its permit. The reports required by this subsection shall be certified by an authorized signatory of the user and submitted within 30 days following the end of the reporting period unless the Director authorizes, in writing, another submission date or schedule.
- **C.** If any sampling and testing required by Subsections A and B hereof indicate a violation of a pretreatment standard, the industrial user shall notify the Department within 24 hours of becoming aware of the violation, repeat sampling and testing within 72 hours or the first day representative of normal operation and submit, in writing, the results of the repeat analysis within 30 days.
- **D.** In addition to the requirements of Subsections A, B and C hereof, if the Director has reason to believe that a significant industrial user is not meeting the pretreatment standards on a consistent basis, such user may be required to submit interim compliance reports on a regular or irregular schedule.
- **E.** Any reports required by this section shall be maintained and retained for a minimum of three years or longer, as specified by the Department, and access by the Department afforded thereto.

§ 159-63. Prior notice of discharge or hazardous waste.

No industrial user shall introduce any untreated process waste or process wastewater into the sewer system containing any hazardous waste constituent identified in 40 CFR Part 261 without prior written notification to the Director. Any notification shall provide the identity of the waste, the hazardous waste constituent and number and an estimation of the mass and concentration of hazardous waste to be discharged and shall be accompanied by a statement certifying that a waste reduction program is in place. In no case shall the introduction of any hazardous process waste or non-process waste constituent be permitted as a substitute for the proper treatment and disposal of any such waste.

§ 159-64. Limitations on point of discharge.

- **A.** No user shall discharge any waste or wastewater directly into a manhole or other opening in the sewer system, other than an approved building sewer, unless such user has been issued a special permit to do so by the Director. Such permit shall be of limited duration and the permittee shall comply with all applicable provisions of this article.

- **B.** The discharge of any trucked or hauled pollutants is prohibited except at discharge points designated in a special permit approved by the Director. Such permit shall be of limited duration and the permittee shall comply with all applicable provisions of this article.

§ 159-65. Charges and fees.

The Director shall adopt a schedule of charges and fees to cover the costs of implementation of the pretreatment provisions of this article. These fees are in addition to and separate from all other fees charged by the Authority and will be assessed by the Authority on all permit holders. Such charges and fees may include but are not limited to the following:

- **A.** Costs of monitoring inspection and surveillance procedures.
- **B.** Costs of reviewing permit applications.
- **C.** Administrative costs and appeals.
- **D.** Costs of reviewing accident discharge reports.
- **E.** Costs of reviewing pretreatment facility construction plans.
- **F.** Costs of consistent removal by the AWTF of pollutants subject to pretreatment standards.
- **G.** Any other costs incurred by the township in implementing the requirements of this article.

§ 159-66. Applicability of provisions.

The pretreatment provisions and all other requirements of this article shall apply to any person currently discharging into, directly or indirectly, or otherwise using the sewer system or any person who shall in the future discharge into, directly or indirectly, or otherwise use the sewer system.

§ 159-67. Present and future rules and regulations.

The Director is authorized to promulgate such rules and regulations as are necessary for the proper administration, implementation and enforcement of this article. This authority is in addition to that granted in any section of this article. Such rules and regulations shall have the same force and effect as the provisions of this article, and any violation thereof shall be deemed a violation of the applicable sections for enforcement purposes. The Director shall publish notice of the promulgation of any such rules and regulations prior to adoption of the same.

§ 159-68. Failure to comply.

Should any user refuse, neglect or fail to comply with any provision of this article or any of the rules and regulations promulgated thereunder or any notice or directive given in conformity with or pursuant to the provisions of this article, the

township or Authority may pursue any or all of the remedies set forth in this article.

§ 159-69. Confidentiality of proprietary information.

Any information submitted to the township or Authority pursuant to this article or any rules and regulations promulgated thereunder may be claimed as confidential by the submitter. Any such claim shall be asserted at the time of submission by the stamping or placing of the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, the township or Authority may make the information available to the public without further notice. If a claim is asserted, the information shall be treated in accordance with the procedures in 40 CFR Part 2 (Public Information); provided, however, that any information regarding effluent data shall be available to the public without restriction.

§ 159-70. Compliance monitoring and inspection performed by the township or authority.

Compliance monitoring and inspection will be performed by the township or Authority and may be performed by the city as authorized by the township or Authority. This duty will be based on a schedule determined by the type of facility, type and concentration of pollutants in the discharge and the past performances of compliance by the industrial user.

§ 159-71. Enforcement and penalty.

Any person who violates any provision of this article shall be subject to the penalty and enforcement provisions of this article, including the right of the township or Authority to disconnect service.

§ 159-72. Termination or suspension of service or permit.

Pursuant to the applicable notice requirements of this article, the township or Authority may suspend wastewater treatment and/or a discharge permit when such suspension is necessary, in the opinion of the township or Authority, in order to stop an actual or threatened discharge which:

- **A.** Presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment;
- **B.** Causes or may cause interference with the operations of or damage to the AWTF; or
- **C.** Causes the city to violate any condition of its NPDES permit.

§ 159-73. Cessation of harmful activity.

After informal notice to halt or prevent a discharge which reasonably appears to present an imminent endangerment to the health or welfare of persons, the AWTF, the sewerage system or the environment, the person responsible for the discharge shall immediately stop or eliminate the contribution. In the event of failure of the person to cease or cause to cease such contribution, the Director shall authorize any actions as deemed necessary to halt or prevent such contribution, including immediate severance of the sewer connection, to prevent or minimize damage to the sewerage system and/or the AWTF, the environment or to any individuals.

§ 159-74. Suspension or revocation of permit.

The existence of any one of the following conditions may cause the township or Authority to revoke the permit of the significant industrial user:

- **A.** Failure to factually report the wastewater constituents and characteristics of a discharge.
- **B.** Failure to report significant changes in operations or in wastewater constituents and characteristics.
- **C.** Refusal of access to the discharger's premises for the purpose of inspecting or monitoring or determining the amount of sewer rental payable.
- **D.** Failure to comply with any of the terms and conditions of a permit.
- **E.** Failure to comply with any of the provisions of this article.

§ 159-75. Reinstatement of permit and restoration of service.

The township or Authority shall reinstate a permit and/or restore service under the following conditions, as applicable:

- **A.** Demonstration to the satisfaction of the township or Authority that such significant industrial user is now utilizing good management practices to prevent or reduce the contribution of pollutants to the sewer system. Good management principles include but are not limited to preventive operating and maintenance practices to reduce the quantity and improve the quality of effluent discharged and the control of plant spillage, leaks and drainage from storage area.
- **B.** Submission to the township or Authority of proof of elimination of any noncomplying discharge.
- **C.** Submission within 15 days of the occurrence a detailed report describing the causes of the noncomplying discharge and the measures taken to prevent any future occurrence.
- **D.** Access to the premises in question for enforcement purposes is assured.

- **E.** Submission of a detailed report describing the measures taken to ensure present and future compliance with the terms and conditions of a permit.
- **F.** Evidence of compliance with federal, state and local laws, rules and regulations is submitted.

§ 159-76. Notice of violation.

Whenever the Director finds that any person has violated or is violating any provisions of this article to which these enforcement provisions apply, any permit issued thereunder or any applicable federal, state or local regulation, the Director or a designee shall serve or cause to be served upon such person a written notice stating the nature of the violation and requiring the submission within 30 days of the date of the notice a plan for the satisfactory correction of such violation.

§ 159-77. Right to hearing.

Any person affected by a notice, directive or other decision of the Director may request a hearing before the township and present evidence of circumstances justifying reconsideration of the decision of the Director. Such request must be in writing and served on the township within 10 days of the date of the notification or decision. The township shall hold a hearing and render a decision within 15 days of the request.

§ 159-78. Injunctive relief.

Subject to the applicable notice provisions of this article, in circumstances where the nature of the violation constitutes a violation of the Clean Streams Law, the township or Authority may apply for a mandatory preliminary injunction or special injunction in the Court of Common Pleas of Dauphin County or the Commonwealth Court of Pennsylvania in accordance with the Pennsylvania Rules of Civil Procedure relating to actions in equity.

§ 159-79. Civil liability.

- **A.** Any person who permits or allows a discharge which causes an obstruction or damage to the AWTF shall be assessed a charge equal to the amount necessary to repair or replace the damaged facilities.
- **B.** Should any person refuse, neglect or fail to comply with pretreatment provisions and discharge limitations of this article, with any of the rules and regulations promulgated hereunder or with any directive or notice given pursuant to this article to which these enforcement provisions apply, then the Director is hereby empowered to authorize and may authorize the supply of all labor and materials necessary to effect compliance. Such

person shall be assessed a charge equal to the amount necessary to effect compliance.

- **C.** Should the city suffer the termination or suspension of its NPDES permit or be assessed penalties or fines for violations thereof, which violations were caused by the failure of a discharger to comply with the provision of this article and any applicable rules and regulations, such discharger shall be assessed a charge equal to the amount expended by the city to cause its NPDES permit to be reinstated, plus the amount of any penalties or fines imposed against it.

§ 159-80. Remedy by Authority.

- **A.** All charges assessed in accordance with this article or any other fees or charges authorized by any provision to which this article applies shall be a lien on the properties served from the date the charge therefor first becomes due and payable.
- **B.** All charges imposed pursuant to this article, together with a ten-percent penalty thereon, shall be certified by the Director to the Authority Solicitor who shall enter the same as a lien in the Court of Common Pleas of Dauphin County and proceed to collect the same in like manner as other municipal claims are by law collectible.
- **C.** In addition to the above method, the Authority may proceed to collect such assessments by action in assumpsit in the name of the Authority against the owner of the property charged and/or the person discharging into the sewer system.
- **D.** In addition to the above, the Authority may recover reasonable attorneys' fees, court costs, court reporter fees and all other expenses of litigation to enforce the claim or claims of the Authority.

§ 159-81. Public notification.

Pursuant to the public participation requirements of 40 CFR Part 25, the Department shall cause to have published at least annually in the largest daily newspaper of general circulation in Lower Paxton Township a list of all industrial users who, during the previous twelve-month period, were in significant noncompliance with applicable pretreatment standards or other pretreatment requirements. For the purpose of this provision, a significant noncompliance violation is:

- **A.** One or more violations of wastewater discharge limits including chronic violations and technical review criteria violations;
- **B.** Any discharge which alone or in combination causes interference or pass-through or endangers the health or welfare of AWTF personnel, the public or the environment or results in the AWTF exercising its emergency authority to halt or prevent such a discharge;
- **C.** Failure to meet a compliance schedule milestone;

- **D.** Failure to provide required reports;
- **E.** Failure to accurately report noncompliance; or
- **F.** Any other violation or group of violations the AWTF considers to be significant.

§ 159-82. Public nuisance.

Any person who violates any of the terms, provisions or requirements of this article or any of the applicable rules and regulations regarding discharges shall be deemed to be maintaining a nuisance, which nuisance the Authority is authorized and directed to abate in the manner provided by law.

§ 159-83. Service of notice.

Whenever notice is necessary under this article, such notice shall be properly served upon an owner if a copy thereof is delivered to the owner personally; or by leaving a notice at the usual place of abode with someone of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt showing it has been delivered. If the return receipt shows that it has not been delivered, then service may be made by posting a copy thereof in a conspicuous place in or about the structure affected by such notice. Such notice shall set forth a reasonable time for such compliance to be accomplished.

§ 159-84. Issuing authorities.

The Director and his designee shall act in the capacity of police officers for the limited purpose of issuing non-traffic summary citations to owners of premises or persons who are found in violation of this article.

§ 159-85. Violations and penalties.

- **A.** Civil penalty. In addition to proceedings under this article or any other remedy available at law or equity for violation of pretreatment standards requirements, any person, firm or corporation who or which fails to comply with any provision of this article or any applicable rules or regulations or whoever fails to comply with a notice given pursuant to those chapters and/or this article may be assessed a civil penalty, whether or not the violation was willful or negligent, in accordance with Subsection 4(a)(1) of the Publicly Owned Treatment Works Penalty Law, Act of March 26, 1992, P.L. 23, 53 P.S. § 752.4(a)(1), of not more than \$25,000 per day of violation. Each twenty-four-hour period during which a violation continues shall be considered a separate and distinct offense under this provision and punishable as such.
- **B.** Criminal penalty. Any person, firm or corporation who or which knowingly or negligently violates any of the terms, provisions or

requirements of this article or any of the applicable rules and regulations or whoever refuses or neglects to comply with any notice given pursuant to this article to such person or whoever obstructs or interferes with any person in the enforcement of these chapters shall, upon conviction thereof, severally for each and every violation or noncompliance, respectively, be fined not more than \$1,000 or imprisoned for not more than 90 days, or both. Each twenty-four-hour period during which a violation continues shall be considered a separate offense and punishable as such.

- **C.** Any person, firm or corporation who or which knowingly or negligently makes a false oral or written statement in any report, record, plan, application or other document filed with the Authority or who falsifies, tampers with or renders inaccurate any monitoring device or method required under this article shall be liable to prosecution under appropriate criminal statutes, including but not limited to false swearing, 18 Pa.C.S.A. § 4903; unsworn falsification to authorities, 18 Pa.C.S.A. § 4904; tampering with or fabricating physical evidence, 18 Pa.C.S.A. § 4910; and tampering with public records or information, 18 Pa.C.S.A. § 4911.